

representing proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about October 18, 2019, \$24,650 in United States currency was seized from the defendant's residence (the "Seized Currency");

WHEREAS, on or about January 28, 2020, the Court entered a Consent Preliminary Order of Forfeiture/Money Judgment imposing a money judgment in the amount of \$260,000 in United States currency (the "Money Judgment") against the defendant;

WHEREAS, to date, \$10,000 of the Money Judgment against the defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the defendant's offenses, despite the exercise of due diligence in investigating the assets of the defendant; and

WHEREAS, the Government has identified the following specific asset in which the defendant has an ownership interest: \$10,000 of the Seized Currency (the "Substitute Asset"); and

WHEREAS, the defendant consents to the forfeiture of all his right, title, and interest in the Substitute Asset as a substitute asset;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys, Richard Cooper, Daniel Tracer, and Drew Skinner of counsel, and the defendant, and his counsel, Benjamin Brafman, Esq. and Joshua Kirshner, Esq., that:

1. All of the defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

3. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

4. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

6. Upon entry of a Final Order of Forfeiture, the Substitute Asset shall be applied towards the satisfaction of the Money Judgment entered against the defendant.

7. Upon entry of a Final Order of Forfeiture with respect to the Substitute Asset, the Government shall return the remaining \$14,650 of the Seized Currency to the defendant in a manner consistent with the UFMS vendor request form to be completed by the defendant.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).



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9. The Clerk of the Court shall forward four certified copies of this Consent Preliminary Order of Forfeiture as to Substitute Assets to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.


AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Daniel M. Tracer 4/20/2020
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DATE

BRYAN COHEN
By:  3/19/2020
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DATE
By:  3/19/2020
BENJAMIN BRAFMAN, ESQ.
JOSHUA KRISHNER, ESQ.
Counsel for Defendant
Brafman & Associates, P.C.
767 Third Avenue, 26th Floor
New York, NY 10017
DATE

SO ORDERED:

 April 24, 2020
WILLIAM H. PAULEY III
U.S.D.J.
DATE